IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 32445 of 2003(K)

PETITIONER:

SAJIMON V.R., S/O. RAGHAVAN NAIR,
VENATTUMATTATHIL HOUSE, BHARANANGANAM PANCHAYATH,
MEENACHIL TALUK, PALAI P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.N.MAHESH

RESPONDENTS:

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1. UNION OF INDIA,
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT,
MINISTRY OF FORESTS, NEW DELHI.

2. THE CHIEF CONSERVATOR OF FORESTS,
FOREST DEPARTMENT, THIRUVANANTHAPURAM.

3. THE CHIEF WILD LIFE WARDEN,
KERALA, THIRUVANANTHAPURAM.

BY ADV. SHRI.RANJITH THAMPAN, GOVERNMENT PLEADER
SRI.B.RAMACHANDRAN, ADDL.CGSC
SRI.P.R.RAMACHANDRA MENON, ADDL.CGSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/08/2007, ALONG WITH WPC NO. 30353/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 32445/2003

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE APPLICATION DATED NIL SUBMITTED BY PETITIONER BEFORE THE 3RD RESPONDENT.

P2 : COPY OF THE CERTIFICATE OF OWNERSHIP OF THE VENDOR OF THE ELEPHANT DATED ¾/2003.

P3 : COPY OF THE ORDER DATED 01/10/2003 IN WPC NO. 30959/2003 OF THIS HON'BLE COURT.

//TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) Nos. 32445 of 2003
and
30353 of 2006

Dated, this the 18th day of August, 2007

J U D G M E N T

The petitioners, in both the cases, filed the writ petitions against refusal of permission by respondents to transport the elephants purchased by them from Assam. This Court vide interim order directed the respondent concerned to issue NOC to procure and bring the elephants to Kerala purchased by the petitioners from Assam. Whatever be the objection of the respondents, the elephants purchased and brought to Kerala by the petitioners cannot be sent back to Assam. In the circumstances, these writ petitions are disposed of retaining interim orders as part of the judgment. However, respondents are free to enforce any discipline with regard to maintenance, sale, transport and handling of elephants. The petitioners can approach this Court as and when they have any grievance later. I also make it clear that judgment herein retaining interim orders need not be treated as a precedent by the respondents and it is up to them to grant or decline permission in the future depending upon law and guidelines applicable.

These writ petitions are closed as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg